

**** NOT FOR PRINTED PUBLICATION ****

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

JAMES ROBERT BARTON, JR., et al.,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	CIVIL ACTION No. 1:15-CV-471
v.	§	
	§	JUDGE RON CLARK
TOTAL PETROCHEMICALS USA, INC.,	§	
et al.,	§	
	§	AFC
<i>Defendants.</i>	§	

ORDER DISMISSING CASE WITH PREJUDICE

Plaintiffs in this case are approximately 67 employees and former employees of Defendant Total Petrochemicals USA, Inc. (“Total”), who were participants in the Total Petrochemicals & Refining USA, Inc. Capital Accumulation Plan (the Plan). Am. Compl., DOC. # 22. Plaintiffs sued Defendants Total, Total Finance USA, Inc., Carolyn Sanders, and Isabelle Kieffer for violations of the Employment Retirement Income Security Act (ERISA) as it relates to the Plan. *Id.* On May 20, 2016, the court dismissed Plaintiffs’ claims against Total Finance USA, Inc. but allowed Plaintiffs’ claims against Total, Carolyn Sanders, and Isabelle Kieffer to proceed. Order, DOC. # 36.

Sometime in or around March 1, 2017, counsel for the Parties informed the court that all Plaintiffs had agreed to accept a mediated settlement. The court has not certified this case as a class action. On March 1, 2017, the court ordered the Parties to file the documents necessary for the closing of this case by March 31, 2017. Order, DOC. # 62. On March 31, 2017, by request of the Parties, the court extended the deadline for filing closing documents. Order, DOC. # 64.

On June 5, 2017, all Plaintiffs in this action jointly filed their Motion to Dismiss with Prejudice (DOC. # 65), asking the court to dismiss all their remaining claims against Total, Carolyn Sanders, and Isabelle Kieffer with prejudice. The court is of the opinion it should grant this motion pursuant to Federal Rule of Civil Procedure 41(a)(2).

IT IS THEREFORE ORDERED that Plaintiffs' Motion to Dismiss with Prejudice (DOC. # 65) is GRANTED, this case is DISMISSED WITH PREJUDICE. IT IS FURTHER ORDERED that all pending motions in this matter are DENIED AS MOOT.

So Ordered and Signed

Jun 9, 2017

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge